

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

United States of America,

Plaintiff,

Case No. 14-20425

v.

Judith E. Levy

United States District Judge

Devin Dantzler,

Mag. Judge David R. Grand

Defendant.

_____/

**ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S
MOTION FOR COMPASSIONATE RELEASE [488]**

This case is before the Court on Defendant's September 8, 2020¹ motion "to take Judicial Notice of the Care Act." (ECF No. 488.) The Court interprets this filing as a motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A), because Defendant, who is presently confined at F.C.I. McDowell in West Virginia, requests "compassionate release . . . or home confinement [pursuant to the Court's authority to] modify a defendant's sentence if it finds on either the [Bureau of Prisons (BOP)]

¹ Received and docketed on October 19, 2020.

or the defendant's motion that extraordinary and compelling reasons [warrant release]." (*Id.* at PageID.2701.)

Defendant attached to his motion a July 24, 2020 denial of administrative release from Warden C. Maruka. (ECF No. 488, PageID.2704.) Because Defendant has demonstrably exhausted the administrative procedures for compassionate release at F.C.I. McDowell, the Court may consider the merits of his motion. *See United States v. Alam*, No. 20-1298, 2020 WL 2845694, at *5 (6th Cir. June 2, 2020).

However, Defendant has not provided the Court with any information to evaluate his motion. The compassionate release statute allows the Court to modify a defendant's term of imprisonment if "extraordinary and compelling reasons warrant such a reduction." 18 U.S.C. § 3582(c)(1)(A)(i). The United States Sentencing Guidelines define "extraordinary and compelling reasons" as "suffering from a serious physical or medical condition . . . that substantially diminishes the ability of the defendant to provide self-care within the environment of a correctional facility and from which he or she is not expected to recover." U.S.S.G. § 1B1.13 n.1(A). Neither Defendant's motion, nor his

accompanying “Affidavit in support of Home Confinement Conditions,” provide a description of Defendant’s physical or medical conditions.

Accordingly, Defendant’s motion is DENIED WITHOUT PREJUDICE. Defendant may renew his motion with a detailed description of any physical or medical conditions that he believes may warrant compassionate release.

IT IS SO ORDERED.

Dated: October 22, 2020
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court’s ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 22, 2020.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager